

# Exhibit 3

*b*

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1 D. Anderson  
2 A. No.  
3 Q. Is it your position that Valerie  
4 and Deborah made up this meeting and  
5 orchestrated these complaints against you?  
6 A. That's not my position.  
7 Q. Okay. Is that your belief?  
8 A. It's not my belief Deborah  
9 Rowell was involved. But it's my belief that  
10 Valerie Van Kirk and the staff there worked up  
11 this meeting to attack me.  
12 Q. But that's not what I'm asking  
13 you. And you're entitled to your belief.  
14 Do you have any  
15 understanding from any source that anybody  
16 that worked on your staff made complaints to  
17 Valerie Van Kirk about the way you supervised  
18 that place?  
19 A. No.  
20 Q. Did anybody who worked under you  
21 or anybody else that you came in contact with  
22 at KenCrest ever tell you that they were aware  
23 that Valerie was planting false information  
24 about you with your staff in order to have a  
25 meeting to attack you or anything like that?

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1 D. Anderson  
2 A. Yes.  
3 Q. And who told you that?  
4 A. Other staff. You need the  
5 names?  
6 Q. I need the names.  
7 A. Bernard.  
8 Q. Bernard what?  
9 A. I don't remember his last name.  
10 Q. He worked under you?  
11 A. Yes.  
12 Q. And when did he work under you?  
13 For how long?  
14 A. The entire time of my  
15 employment.  
16 Q. Okay. And you don't remember  
17 his last name?  
18 A. I don't remember his last name.  
19 Q. Anybody else?  
20 A. Phillip Watson.  
21 Q. Phillip Watson?  
22 A. Yes.  
23 Q. Anybody else?  
24 A. No.  
25 Q. Are Bernard and Phillip both in

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1 D. Anderson  
2 the same type position? They were RAs?  
3 A. Yes.  
4 Q. What did Bernard tell you?  
5 A. That they going to have a  
6 meeting and they all talking about how they  
7 gonna attack you and what was they gonna --  
8 what they were claiming.  
9 Q. Let me back up. Bernard said  
10 they are going to have a meeting?  
11 A. Uh-huh.  
12 Q. Did you ask what he meant by  
13 they?  
14 A. No, I didn't ask.  
15 Q. Did Bernard tell you at any time  
16 that a KenCrest supervisor, whether it be  
17 Valerie Van Kirk or Deborah Rowell or anybody  
18 else, was planting false information with the  
19 staff that worked under you so that they could  
20 make complaints about you?  
21 A. Yes.  
22 Q. Bernard told you that directly?  
23 A. I'm not sure if it was those  
24 words.  
25 Q. Well, what did he tell you?

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1 D. Anderson  
2 A. Well, he said that Valerie be  
3 coming in here early in the morning before we  
4 leave and be sitting down talking with the  
5 other staff. He leaves.  
6 Q. Okay. So he wasn't there?  
7 A. No, but they --  
8 Q. Hold on. So if he's not there,  
9 it's correct that he couldn't hear what  
10 Valerie Van Kirk said in this meeting;  
11 correct?  
12 A. That's absolutely correct.  
13 Q. So what Bernard is reporting  
14 back to you about Valerie's meeting with the  
15 other staff comes from yet another source;  
16 correct?  
17 A. Yes.  
18 Q. And who's that other source?  
19 A. What's her name? Nokia, Nokia  
20 Leslie I believe it is.  
21 Q. Is that a male or a female?  
22 A. That's a female.  
23 Q. Anybody else Bernard tell you  
24 reported something to him?  
25 A. No.

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1 D. Anderson  
2 Q. So let me see if I have this  
3 right. The information that you're telling us  
4 about now which came from Bernard, you weren't  
5 at the meeting you're talking about; correct?  
6 A. No.  
7 Q. And Bernard wasn't at the  
8 meeting; correct?  
9 A. No.  
10 Q. So Bernard is telling you that  
11 Nokia told him something about what happened  
12 at that meeting?  
13 A. Yes.  
14 Q. All right. Anything else  
15 Bernard told you?  
16 A. No, not that I can remember.  
17 Q. Let's go to Phillip Watson.  
18 What did Phillip Watson tell you?  
19 A. He told me that I should be  
20 careful because Valerie is out to get me.  
21 Q. Did he explain anything more  
22 than that?  
23 A. No.  
24 Q. Was Phillip Watson at this  
25 meeting that you were referring to before that

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1 D. Anderson  
2 Bernard was not at?  
3 A. I don't know. I didn't ask him  
4 that.  
5 Q. Did Phillip Watson tell you  
6 anything else that forms your belief that  
7 Valerie Van Kirk or someone else at KenCrest  
8 was setting up complaints from staff members  
9 about you?  
10 A. No, not that I can recall.  
11 Q. So I got the whole list. It's  
12 Bernard whatever his last name is and Phillip  
13 Watson; correct?  
14 A. Yes.  
15 Q. And the only thing Phillip  
16 Watson told you was be careful because Valerie  
17 is out to get you?  
18 A. Yes.  
19 Q. And he didn't explain how he  
20 knew that or why he believed that?  
21 A. No.  
22 Q. And you didn't ask him?  
23 A. No.  
24 Q. Go to question number 14, a  
25 couple pages into that. We asked you in

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1 D. Anderson  
2 question number 14 about your claims of either  
3 discrimination or harassment because you took  
4 leave. We asked you a series of questions  
5 about whether you had any communications with  
6 people at KenCrest -- that's 14A -- what their  
7 ~~names~~ and addresses were, the substance of  
8 those communications, whether anybody else was  
9 there when you were having these  
10 communications, and whether the communication  
11 was oral or written. And, again, your counsel  
12 made an objection. And then subject to that  
13 objection, you said that when you attempted to  
14 take an FMLA leave in or about July of 2011,  
15 you were told by the human resources  
16 department that you'd have to use your  
17 personal time and your own physician.  
18 Let's start with your  
19 personal time. Are you aware of what  
20 KenCrest's policy is regarding FMLA leave and  
21 whether the employee who is eligible for FMLA  
22 leave has to take personal time concurrent  
23 with that leave? Are you aware of that policy  
24 one way or the other?  
25 A. No, no.

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1 D. Anderson  
2 Q. So you don't know, sitting here  
3 today, whether what you're claiming you were  
4 told by KenCrest was consistent with its leave  
5 policy or not?  
6 A. No, I'm not sure.  
7 Q. And then you said you were told  
8 you had to use your own personal physician.  
9 What do you mean about that? If you were  
10 asking for FMLA leave, why would you think you  
11 weren't going to have to use your own  
12 physician?  
13 A. Because the injury was sustained  
14 at work.  
15 Q. Were you asking for FMLA leave  
16 or workers' comp leave? In this answer you're  
17 saying you were asking for FMLA leave.  
18 A. When I was asking for -- I  
19 wasn't asking for that. I don't think I was  
20 asking for that. I was asking for the needed  
21 time I needed to heal. And from my  
22 understanding from when I went to the doctor,  
23 they told me if my injuries flare up, I am to  
24 go back to the workmen's comp doctor.  
25 Q. Well, we're somehow confused.

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1 D. Anderson  
2 A. Yes.  
3 Q. Did you ever take a workers'  
4 compensation leave after that?  
5 A. Yes.  
6 Q. When was that?  
7 A. That was the end of January, I  
8 believe 2012.  
9 Q. 2012; right?  
10 A. Yes.  
11 Q. And into 2013?  
12 A. Yes.  
13 Q. And at that time you had already  
14 been demoted back to an RA; correct?  
15 A. Yes.  
16 Q. So while you were community home  
17 supervisor, you only took one workers' comp  
18 leave, that was 2010 into the early part of  
19 2011; correct?  
20 A. Correct.  
21 Q. And am I correct that you were  
22 demoted back to RA sometime in or around the  
23 end of May or beginning of June of 2012?  
24 A. Yes.  
25 Q. All right. So it was a year and

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1 D. Anderson  
2 a half after you took your worker's comp leave  
3 that you were demoted?  
4 A. Yes.  
5 MR. TURCHI: All right.  
6 You can put that aside.  
7 Let's take about a  
8 five-minute break before I start something  
9 else.  
10 MR. ZAHNER: All right.  
11 (Break taken.)  
12 (Exhibit D-2 is marked for  
13 identification.)  
14 BY MR. TURCHI:  
15 Q. We've marked, and I put in front  
16 of you, a document identified as Defendant's  
17 Exhibit-2. Do you see that?  
18 A. Yes.  
19 Q. And that's a document that says  
20 a job description for the title community home  
21 supervisor; correct?  
22 A. Yes.  
23 Q. Is that a document that you're  
24 familiar with?  
25 A. Yes.

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|---|---|
| <p>1 D. Anderson</p> <p>2 Q. And did you receive this when</p> <p>3 you were hired as acting community home</p> <p>4 supervisor?</p> <p>5 A. Slightly after. I did receive</p> <p>6 it, but it wasn't when I took the position.</p> <p>7 Q. Okay. And if you look at the</p> <p>8 last page, there's an acknowledgment there</p> <p>9 that you signed that says you acknowledge</p> <p>10 receipt of this job description and that it</p> <p>11 was reviewed with you; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And was it actually reviewed</p> <p>14 with you?</p> <p>15 A. Yes.</p> <p>16 Q. Was it reviewed with you with</p> <p>17 Valerie Van Kirk who also signed off on this?</p> <p>18 A. Yes.</p> <p>19 Q. Is there anything in your job</p> <p>20 description that does not accurately reflect</p> <p>21 what your duties were when you were community</p> <p>22 home supervisor with KenCrest?</p> <p>23 A. Say that again.</p> <p>24 Q. Yeah. Is there anything in the</p> <p>25 job description that does not accurately</p> | <p>1 D. Anderson</p> <p>2 Q. Is that -- do you know what I</p> <p>3 mean by exempt or nonexempt?</p> <p>4 A. I don't.</p> <p>5 Q. Do you ever work overtime there?</p> <p>6 A. Yes.</p> <p>7 Q. If you work more than 40 hours,</p> <p>8 do you get paid overtime?</p> <p>9 A. Yes.</p> <p>10 Q. And have you had full-time work,</p> <p>11 at least 40 hours, since February of 2013 at</p> <p>12 Today's Child? Have you had full-time work</p> <p>13 since you started that job in February of 2013</p> <p>14 for Today's Child?</p> <p>15 A. Yes.</p> <p>16 Q. And have there been times you've</p> <p>17 earned overtime?</p> <p>18 A. Yes.</p> <p>19 Q. Are you working in any other</p> <p>20 jobs currently?</p> <p>21 A. No.</p> <p>22 Q. Have you since you got that</p> <p>23 full-time job in 2013?</p> <p>24 A. No.</p> <p>25 Q. And what do you make an hour?</p> |
| Page 90   | Page 92   |
| <p>1 D. Anderson</p> <p>2 reflect the duties that were yours to perform</p> <p>3 when you were community home supervisor for</p> <p>4 KenCrest?</p> <p>5 A. No, sir, I don't think so.</p> <p>6 Q. I want to talk to you about your</p> <p>7 current job and any jobs you may have had</p> <p>8 since you left KenCrest. Okay?</p> <p>9 A. Yes.</p> <p>10 Q. Where are you currently working?</p> <p>11 A. Today's Child.</p> <p>12 Q. Today's Child?</p> <p>13 A. Yes.</p> <p>14 Q. And what's your position?</p> <p>15 A. Lead teacher.</p> <p>16 Q. How long have you worked for</p> <p>17 Today's Child in that position?</p> <p>18 A. Since February.</p> <p>19 Q. February of this year?</p> <p>20 A. Yes.</p> <p>21 Q. 2013?</p> <p>22 A. 2013, yes.</p> <p>23 Q. Okay. And how many hours a week</p> <p>24 do you work?</p> <p>25 A. Forty.</p>   | <p>1 D. Anderson</p> <p>2 A. \$13 an hour.</p> <p>3 Q. And how about benefits? Do you</p> <p>4 receive benefits?</p> <p>5 A. None.</p> <p>6 Q. None at all?</p> <p>7 A. None.</p> <p>8 Q. Okay. Where were you working</p> <p>9 prior to getting that job in February of 2013?</p> <p>10 A. With KenCrest.</p> <p>11 Q. Okay. You were in the RA</p> <p>12 position?</p> <p>13 A. Yes.</p> <p>14 Q. And that was the same RA</p> <p>15 position that you had since you were demoted</p> <p>16 from CHS?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And you worked about 30, 32</p> <p>19 hours a week in that position?</p> <p>20 A. Yes.</p> <p>21 Q. Now, when you were working as an</p> <p>22 RA at KenCrest, did you get benefits?</p> <p>23 A. Yes.</p> <p>24 Q. What was considered full time at</p> <p>25 KenCrest for benefits? Was it 30 hours?</p>                          |

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1 D. Anderson  
2 A. I think so.  
3 Q. All right. During that same  
4 period of time when you were working as an RA  
5 for KenCrest until you take the job with  
6 Today's Child, did you have any other jobs,  
7 part time or full time?  
8 A. Yes.  
9 Q. And tell me about those jobs.  
10 A. They were TSS positions,  
11 temporary work.  
12 Q. Was it from the same temporary  
13 staffing agency that you mentioned before?  
14 A. Yes.  
15 Q. Have you given us, as far as you  
16 know, the documents that reflect what you made  
17 in those temporary positions?  
18 A. As far as I know, I believe so.  
19 Q. Did you get a W -- do you know  
20 what I mean by W-2 or a 1099?  
21 A. It was a W -- it would be a W-2.  
22 Q. All right. So --  
23 A. I think it would be a W-2.  
24 Q. So you would have a W-2 for 2012  
25 from the temporary staffing agency; correct?

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1 D. Anderson  
2 working for KenCrest for a period of time?  
3 A. Yes.  
4 Q. So why did you -- did you intend  
5 on continuing in both jobs?  
6 A. Yes, sir.  
7 Q. So why did you quit the job as  
8 an RA at KenCrest?  
9 A. The commute.  
10 Q. The commute was --  
11 A. Was a hardship to get there. It  
12 was about a 45-minute drive.  
13 Q. And that's the position that you  
14 took after you were demoted?  
15 A. Yes.  
16 Q. And you worked in that position  
17 for how many months?  
18 A. Maybe --  
19 Q. About nine months?  
20 A. Was it almost a year?  
21 Q. From around June of 2012 to  
22 March of 2013; does that sound right?  
23 A. Yes.  
24 Q. After you quit the job -- let me  
25 back up.

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1 D. Anderson  
2 You earned money through that temporary agency  
3 in 2012?  
4 A. I think -- I think so. I think  
5 so. I'm not sure if I worked in 2012.  
6 Q. Well, let's back --  
7 A. I think so, yes. I think so,  
8 yes.  
9 Q. Do you have any recollection  
10 sitting here today of how much you earned in  
11 total through the temporary agency?  
12 A. No.  
13 Q. Is it correct that you quit your  
14 job as an RA with KenCrest because you  
15 received this offer to be a full-time worker  
16 for Today's Child?  
17 A. No.  
18 Q. All right. You did quit your  
19 job at KenCrest as an RA; correct?  
20 A. Yes.  
21 Q. And that was sometime in March  
22 of 2012; correct?  
23 A. Yes.  
24 Q. So were you working both full  
25 time for Today's Child, 40 hours, and also

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1 D. Anderson  
2 Before you quit the job  
3 with KenCrest in March of 2013, did you apply  
4 for any other RA jobs at KenCrest that would  
5 have had a lesser commute?  
6 A. No.  
7 Q. Did you look to see whether  
8 there were any available?  
9 A. No.  
10 Q. Did anybody at KenCrest tell you  
11 -- back up. Strike that.  
12 Since you've obtained the  
13 full-time job with Today's Child, have you  
14 worked for anybody else?  
15 A. No.  
16 Q. So from February of 2013, except  
17 for the period of time that overlapped when  
18 you worked as an RA with KenCrest, you haven't  
19 worked anyplace else except Today's Child?  
20 A. Correct.  
21 Q. Have you applied for work  
22 anyplace else?  
23 A. No.  
24 Q. Have you looked for work  
25 anyplace else?



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|--|---|
| <p>1 D. Anderson</p> <p>2 A. No.</p> <p>3 Q. When you were demoted and Denise</p> <p>4 Lamlin was working with you to find an RA</p> <p>5 job -- do you remember that?</p> <p>6 A. Yes.</p> <p>7 Q. -- did you have more than one</p> <p>8 interview?</p> <p>9 A. I think so. I think I had two.</p> <p>10 Q. Where was the job that you</p> <p>11 didn't either except or receive?</p> <p>12 A. I think it was on Anderson --</p> <p>13 Anderson Lane.</p> <p>14 Q. And where is that? What county</p> <p>15 is that in?</p> <p>16 A. I think that's still eastern.</p> <p>17 And there was also one out in -- it was two.</p> <p>18 I can't recall the other one.</p> <p>19 Q. So there was two others besides</p> <p>20 the place you went to work for?</p>   | <p>1 D. Anderson</p> <p>2 in Philadelphia. And they all work out of the</p> <p>3 same Willow Grove home base, so they're all</p> <p>4 connected.</p> <p>5 Q. Where is Mount Kirk?</p> <p>6 A. Mount Kirk, I think that's in</p> <p>7 eastern also.</p> <p>8 (Exhibit <u>D-3</u> is marked for</p> <p>9 identification.)</p> <p>10 BY MR. TURCHI:</p> <p>11 Q. What I'm showing you is a</p> <p>12 document we've marked as Defendant's Exhibit</p> <p>13 No. 3. And we've talked about this generally</p> <p>14 before; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Am I right that this is called</p> <p>17 KenCrest Services supervisory contact sheet?</p> <p>18 A. Yes.</p> <p>19 Q. Which was given to you back in</p> <p>20 May of 2010 by your then supervisor, Ms. Lee?</p>   |
| <p>21 A. Yes.</p> <p>22 Q. Where did you go work as an RA?</p> <p>23 A. Clifton -- not Clifton. Erie</p> <p>24 Avenue.</p> <p>25 Q. And that's the one that was like</p>   | <p>21 A. Yes.</p> <p>22 Q. And it alleges that you were</p> <p>23 getting this contact because of verbal abuse;</p> <p>24 correct?</p> <p>25 A. Yes.</p>  |
| Page 98  | Page 100  |
| <p>1 D. Anderson</p> <p>2 a 45-minute commute for you?</p> <p>3 A. Yes.</p> <p>4 Q. Where do you live?</p> <p>5 A. Philadelphia.</p> <p>6 Q. If you lived in Philadelphia,</p> <p>7 why was your preference not to work there?</p> <p>8 You did state a preference not to work there;</p> <p>9 correct?</p> <p>10 A. Right. It wasn't -- it was the</p> <p>11 hostile environment that caused me to</p> <p>12 prefer -- I didn't say I wouldn't. I just</p> <p>13 told her I would prefer to work in the Willow</p> <p>14 Grove area and the other county areas.</p> <p>15 Q. The hostile environment was at</p> <p>16 Henry Avenue; correct? That's where you</p> <p>17 worked?</p> <p>18 A. Yes.</p> <p>19 Q. There were other homes in the</p> <p>20 Philadelphia region?</p> <p>21 A. Right.</p> <p>22 Q. But you didn't want to go to any</p> <p>23 of the other ones either?</p> <p>24 A. No, because the environment --</p> <p>25 Valerie Van Kirk was the PD of several houses</p> | <p>1 D. Anderson</p> <p>2 Q. And did you sign off on that</p> <p>3 document?</p> <p>4 A. Yes, sir.</p> <p>5 MR. TURCHI: You can put</p> <p>6 that aside.</p> <p>7 (Exhibit <u>D-4</u> is marked for</p> <p>8 identification.)</p> <p>9 BY MR. TURCHI:</p> <p>10 Q. Now, I'm handing you a document</p> <p>11 we've marked as Defendant's No. 4. Do you</p> <p>12 have that?</p> <p>13 A. Yes.</p> <p>14 Q. Am I correct this is another</p> <p>15 KenCrest Services supervisory contact sheet?</p> <p>16 A. Yes.</p> <p>17 Q. That you received and signed?</p> <p>18 A. Yes.</p> <p>19 Q. And this one was given to you by</p> <p>20 Vicky Anderson; correct?</p> <p>21 A. Yes.</p> <p>22 Q. And your position at the time</p> <p>23 was acting CHS?</p> <p>24 A. Yes.</p> <p>25 Q. And this was given to you around</p> |

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1 D. Anderson  
2 September 12th of 2010; correct?  
3 A. Yes.  
4 Q. What was the reason why you  
5 received this?  
6 A. Let me read.  
7 Q. Well, before reading it all  
8 through, look up at the top. Did Vicky  
9 Anderson say the reason giving you this was  
10 review site issues?  
11 A. Yes.  
12 Q. So read through what Ms.  
13 Anderson wrote on here, and then I'll ask you  
14 a couple questions.  
15 A. I can't really understand this  
16 writing.  
17 Q. None of it?  
18 A. No, some of it.  
19 Q. Let me ask you some general  
20 questions about it. You can see at the top  
21 and you can make out that Ms. Anderson said  
22 the reason for the contact was review site  
23 issues; correct?  
24 A. Yes.  
25 Q. Now, at this time, you were in

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1 D. Anderson  
2 A. Right.  
3 Q. So now we're looking at a  
4 document which is in September of 2012;  
5 correct?  
6 A. Right.  
7 Q. This is before you took any  
8 medical leave; right?  
9 A. Right.  
10 Q. So it's a couple of months after  
11 you're working as the acting CHS; right?  
12 A. Yes.  
13 Q. And Vicky Anderson -- by the  
14 way, you're not making any claims in this case  
15 that Vicky Anderson discriminated against you,  
16 are you?  
17 A. No.  
18 Q. She didn't harass you, did she?  
19 A. I don't think she harassed me.  
20 Q. You haven't made any claims  
21 about that in either your lawsuit or your  
22 Answers to Interrogatories; correct?  
23 A. Right.  
24 Q. So is it your position that her  
25 giving you this supervisory contact was

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1 D. Anderson  
2 charge of this site; correct?  
3 A. Yes.  
4 Q. And Vicky Anderson was your  
5 supervisor at the time; correct?  
6 A. Yes.  
7 Q. Does looking at this document in  
8 any way refresh your recollection that, if you  
9 weren't getting discipline, Ms. Anderson was  
10 at least pointing out to you that there were  
11 some issues that had to be dealt with at this  
12 site?  
13 A. Could you repeat your question?  
14 Q. Yes. We talked about this  
15 earlier. And without rehashing all of your  
16 testimony, I asked you whether you received  
17 any discipline or any counseling from the time  
18 that you started as acting CHS and the time  
19 you took your first medical leave. Do you  
20 remember when I asked you those questions?  
21 A. Yes.  
22 Q. I think your answer was, correct  
23 me if I'm wrong, not that you remember?  
24 A. Right.  
25 Q. You don't remember getting any?

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1 D. Anderson  
2 harassment?  
3 A. I don't recall this.  
4 Q. Well, you signed it, didn't you?  
5 A. It looks like my signature, but  
6 I don't recall this.  
7 Q. That's okay. Do you have any  
8 reason to doubt, sitting here today, that this  
9 is an authentic document?  
10 A. I don't know if it's authentic  
11 or not. I don't recall it.  
12 Q. Do you think somebody forged  
13 your signature?  
14 MR. ZAHNER: Objection to  
15 form.  
16 THE WITNESS: I'm just  
17 telling you I don't recall this form.  
18 BY MR. TURCHI:  
19 Q. That's fine. Does reading it  
20 bring back any recollection for you?  
21 A. It does not, no, sir.  
22 MR. TURCHI: All right.  
23 You can put that aside.  
24 (Exhibit D-5 is marked for  
25 identification.)



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1 D. Anderson  
2 BY MR. TURCHI:  
3 Q. I'm showing you the document  
4 we've marked as Defendant's Exhibit No. 5.  
5 It's a two-page document, and it is actually a  
6 performance evaluation of you by Vicky  
7 Anderson dated February 2nd of 2011; correct?  
8 A. Yes.  
9 Q. And if you look at the second  
10 page, is that your signature?  
11 A. Yes.  
12 Q. Did Vicky Anderson go over  
13 this --  
14 A. Yes.  
15 Q. -- evaluation with you?  
16 A. Yes.  
17 Q. All right. And as of the time  
18 of this evaluation, do you remember whether  
19 you were still acting community home  
20 supervisor or were you the full-fledged  
21 community home supervisor?  
22 A. I don't remember.  
23 Q. Now, do you have -- did you have  
24 any understanding at the time as to why this  
25 performance evaluation was being conducted?

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1 D. Anderson  
2 A. I think it probably was time for  
3 my evaluation. I don't know.  
4 Q. You don't know, okay. Now, how  
5 did you perceive this evaluation to be when it  
6 was given to you. By that I mean, did you  
7 think it was a good evaluation, a bad  
8 evaluation, a fair evaluation, or something  
9 else, whatever your perception was?  
10 A. I felt like it was fair.  
11 Q. So if you look at the overall  
12 performance up top, it's checked that you meet  
13 most expectations; right?  
14 A. Right.  
15 Q. Vicky didn't say that you met  
16 all expectations; right?  
17 A. Right.  
18 Q. She didn't say that you exceeded  
19 expectations and she didn't say that you  
20 greatly exceeded expectations?  
21 A. No, she did not.  
22 Q. But she said that you met most  
23 of them?  
24 A. Right.  
25 Q. All right. And if you go down

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1 D. Anderson  
2 the individual scores that she gave you, some  
3 of them are meets most, a couple are exceeds,  
4 a couple are greatly exceeds; correct?  
5 A. Yes.  
6 Q. Now, look at the second page,  
7 there are areas of strengths, areas needing  
8 development, and an action plan; correct?  
9 A. Yes.  
10 Q. The areas of strength, Vicky  
11 said that your relationship with the residents  
12 and the staff is positive, Dekeshia is a  
13 strong supervisor and handles herself very  
14 good under pressure; correct?  
15 A. Yes.  
16 Q. Did you think that was a fair  
17 and accurate evaluation of how you were  
18 performing at the time?  
19 A. Yes.  
20 Q. The areas that need development,  
21 Vicky said that you need to stay on top of  
22 doctors' appointments and filings, you need to  
23 develop a system to teach staff to help her  
24 with paperwork; correct?  
25 A. Yes.

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1 D. Anderson  
2 Q. Does reading that refresh your  
3 recollection at all about whether Vicky or  
4 anybody else at KenCrest had told you, from  
5 the time that you started as acting CHS up  
6 until this evaluation in February of 2011,  
7 which is about now a six-month or thereabout  
8 time frame, that they told you that you needed  
9 improvement in your paperwork and in keeping  
10 up on doctors' appointments for the residents  
11 and things like that? Does it refresh your  
12 memory at all?  
13 A. Other than this time?  
14 Q. Reading it, does that refresh  
15 your memory that anybody told you that before  
16 you got this evaluation?  
17 A. Before I got it?  
18 Q. Yes.  
19 A. No, sir.  
20 Q. So it's your position that Vicky  
21 Anderson never told you about these issues  
22 that she mentioned you needed development on  
23 before she gave you the evaluation?  
24 A. That's my position.  
25 Q. The action plan was that the

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1 D. Anderson  
2 project director -- who was that?  
3 A. That would be Valerie.  
4 Q. Van Kirk?  
5 A. No. I'm sorry. At that time,  
6 that would have been Vicky -- the project  
7 director?  
8 Q. You don't know for sure?  
9 A. I'm not sure.  
10 Q. In any event, it says, the  
11 project director will continue to assist  
12 Dekeshia in different training needed to  
13 complete her role as CHS, such as supervisory  
14 training coming up in the spring.  
15 Did I read that accurately?  
16 A. Yes.  
17 Q. Did you understand at the time  
18 that KenCrest believed that you still needed  
19 further training as a CHS as of February of  
20 2011?  
21 A. Yes.  
22 MR. TURCHI: You can put  
23 that aside.  
24 (Exhibit D-6 is marked for  
25 identification.)

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1 D. Anderson  
2 BY MR. TURCHI:  
3 Q. I'm showing you a document we've  
4 marked as Defendant's Exhibit No. 6. This is  
5 a KenCrest Services supervisory contact sheet  
6 given to you by Valerie Van Kirk and it's  
7 dated -- the date of the contact was February  
8 28, 2011; is that correct?  
9 A. Yes.  
10 Q. Do you remember getting this  
11 document?  
12 A. Yes.  
13 Q. Did you sign the document?  
14 A. Yes.  
15 Q. And did Valerie Van Kirk talk to  
16 you about the contents of the document before  
17 you signed it?  
18 A. Yes.  
19 Q. It says that the reason for the  
20 contact was reports of not speaking positively  
21 to staff; correct?  
22 A. Yes.  
23 Q. And is that what Valerie talked  
24 to you about during this contact?  
25 A. Yes.

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1 D. Anderson  
2 Q. All right. Do you have any  
3 evidence or information of any kind from any  
4 source sitting here today that before Valerie  
5 Van Kirk gave you the supervisory contact  
6 sheet and met with you about it, she did not  
7 receive reports from other staff who were  
8 working under you that you did not talk to  
9 them either professionally or you were talking  
10 to them in an improper tone or using profanity  
11 or anything like that?  
12 A. That she did not?  
13 Q. Yeah. Do you have any  
14 information that -- what I'm asking you  
15 basically is did Valerie make this up or do  
16 you have any information that she didn't  
17 receive reports from staff that led her to  
18 meet with you?  
19 A. I have no information.  
20 Q. Okay. And this, again, was not  
21 the first time during your employment at  
22 KenCrest that a supervisor met with you about  
23 inappropriate verbal interaction with other  
24 staff members; correct?  
25 A. Right. It's not the first time.

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1 D. Anderson  
2 Q. And she pointed out that the  
3 issue of concern was reports of speaking to  
4 staff in unprofessional tones and language,  
5 including use of profanity?  
6 A. That's what she pointed out.  
7 Q. Did you talk to her about this  
8 in the --  
9 A. I did, and I wrote up a  
10 grievance.  
11 Q. You wrote up a grievance about  
12 this?  
13 A. Yes, I did.  
14 Q. And is it your position that  
15 this supervisory contact sheet from Valerie  
16 Van Kirk was a form of harassment or  
17 discrimination?  
18 A. Yes.  
19 Q. And what's the basis of your  
20 claim of that?  
21 A. It's not true.  
22 Q. You told Valerie it wasn't true?  
23 A. Yes.  
24 Q. Did you tell Valerie that the  
25 people that were complaining to her about this

|  |   |
|--|---|
| <p style="text-align: right;">Page 113</p> <p>1 D. Anderson</p> <p>2 were making it up?</p> <p>3 A. Yes.</p> <p>4 Q. What did she say?</p> <p>5 A. That's when she told me that,</p> <p>6 well, I used the prior supervisory contact for</p> <p>7 backbone for this one.</p> <p>8 Q. So did you tell her that the</p> <p>9 prior one wasn't true either?</p> <p>10 A. I did.</p> <p>11 Q. So when the prior supervisor</p> <p>12 gave you, back in 2010, a supervisory contact</p> <p>13 sheet on a similar issue, was it your view</p> <p>14 that that was also discrimination or</p> <p>15 harassment?</p> <p>16 A. No.</p> <p>17 Q. For how long was Valerie Van</p> <p>18 Kirk your supervisor when she gave you this</p> <p>19 contact at the end of February 2011?</p> <p>20 A. I came back in January 2011. It</p> <p>21 was a short time. It was a short time.</p> <p>22 Q. Okay. You can put that aside.</p> <p>23 A. Very short time.</p> <p>24 (Exhibit D-7 is marked for</p> <p>25 identification.)</p>  | <p style="text-align: right;">Page 115</p> <p>1 D. Anderson</p> <p>2 A. Yes.</p> <p>3 Q. When you got this evaluation</p> <p>4 from Ms. Van Kirk, did you think it was -- did</p> <p>5 you perceive it to be good, bad, fair, or</p> <p>6 something else?</p> <p>7 A. I felt it should have been more,</p> <p>8 because I felt like I was giving my all.</p> <p>9 Q. Okay. Isn't it correct that she</p> <p>10 gave you the same overall performance</p> <p>11 evaluation that Vicky Anderson gave you just a</p> <p>12 couple of months earlier?</p> <p>13 A. No.</p> <p>14 Q. It's not?</p> <p>15 A. No.</p> <p>16 Q. Then we're going to have to</p> <p>17 compare them. The overall performance</p> <p>18 evaluation by Vicky Anderson was that you met</p> <p>19 most expectations; right?</p> <p>20 A. The overall?</p> <p>21 Q. Take out the other form so that</p> <p>22 you can compare them. All right?</p> <p>23 A. All right.</p> <p>24 Q. Now, in fact, Vicky Anderson,</p> <p>25 who you don't claim discriminated against you</p>  |
| <p style="text-align: right;">Page 114</p> <p>1 D. Anderson</p> <p>2 BY MR. TURCHI:</p> <p>3 Q. I'm showing you a document we</p> <p>4 marked as Defendant's <u>Exhibit No. 7</u>. Are you</p> <p>5 familiar with that document?</p> <p>6 A. Yes.</p> <p>7 Q. And this is a performance</p> <p>8 evaluation that was given to you by Valerie</p> <p>9 Van Kirk dated April 7, 2011; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And did you remember getting</p> <p>12 this from Valerie and talking to her about it?</p> <p>13 A. Yes.</p> <p>14 Q. Did you sign off on it?</p> <p>15 A. Yes.</p> <p>16 Q. And, again, this now is about</p> <p>17 six weeks after Valerie Van Kirk gave you the</p> <p>18 supervisory contact that you claim was</p> <p>19 discrimination or harassment; correct?</p> <p>20 A. I'm sorry.</p> <p>21 Q. This was about six weeks after</p> <p>22 the supervisory contact from Valerie Van Kirk</p> <p>23 that we just went over, which you claim was</p> <p>24 discrimination or harassment on her part;</p> <p>25 correct?</p> | <p style="text-align: right;">Page 116</p> <p>1 D. Anderson</p> <p>2 or harassed you, in February of 2011 gave you</p> <p>3 an overall performance evaluation of meets</p> <p>4 most expectations; correct?</p> <p>5 A. Yes.</p> <p>6 Q. And, basically, two months</p> <p>7 later, Valerie Van Kirk, who you do claim</p> <p>8 discriminated against you and harassed you,</p> <p>9 gave you the same overall performance</p> <p>10 evaluation, which is meets expectations;</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And, in fact, when you look at</p> <p>14 the individual scores, some of the scores that</p> <p>15 Valerie Van Kirk gave you were higher than the</p> <p>16 scores that Vicky Anderson gave you two months</p> <p>17 earlier, aren't they?</p> <p>18 A. Yes, some of them are.</p> <p>19 Q. And more of them are higher than</p> <p>20 lower, aren't they?</p> <p>21 A. Yes.</p> <p>22 Q. Incidentally, in the evaluation</p> <p>23 that you're getting April 7, 2011 from Valerie</p> <p>24 Van Kirk, she points out there that you're</p> <p>25 still on probation, do you see that?</p> |

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1 D. Anderson  
2 A. I see that.  
3 Q. And, again, you're not familiar  
4 with KenCrest's policy on probationary periods  
5 for people who are promoted into different  
6 jobs? You told me earlier you're not familiar  
7 with that? ~~that's~~  
8 A. Right.  
9 Q. So you don't know whether that's  
10 consistent with KenCrest's policy or not?  
11 A. Right, I don't know what that  
12 is. I don't know.  
13 Q. What I'm saying is you don't  
14 know one way or the other?  
15 A. Of the probation period?  
16 Q. Yeah. You don't know about the  
17 policy, so you don't know whether she was  
18 accurate or not?  
19 A. Not really. Exactly.  
20 MR. TURCHI: Okay. You can  
21 put that aside.  
22 (Exhibit D-8 is marked for  
23 identification.)  
24 BY MR. TURCHI:  
25 Q. I'm showing you now a document

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1 D. Anderson  
2 recollection in any way that that was the time  
3 she became your project director?  
4 A. It doesn't refresh anything, but  
5 I see it here.  
6 Q. Okay. In that meeting I  
7 outlined my expectations for you and for the  
8 smooth running of 5500 Henry Avenue.  
9 Is that correct? Did you  
10 have a meeting with her where she pointed out  
11 her expectations?  
12 A. Yes.  
13 Q. And did you think that that was  
14 an appropriate thing for a new supervisor to  
15 do with someone she was supervising?  
16 A. Very appropriate.  
17 Q. Okay. She goes on to say, you  
18 were provided a mentor, LE.  
19 Do you know who that refers  
20 to?  
21 A. LE?  
22 Q. Do you remember who your mentor  
23 was?  
24 A. They assigned two, but I don't  
25 remember.

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1 D. Anderson  
2 we've marked as Defendant's Exhibit No. 8.  
3 It's a two-page document. It's dated May 23rd  
4 of 2011. And it's in the form of basically a  
5 letter to you from Valerie Van Kirk; correct?  
6 A. Yes.  
7 Q. Do you remember getting this?  
8 A. Yes.  
9 Q. All right. And is it your  
10 position that this document that you received  
11 from Valerie Van Kirk was a form of harassment  
12 and discrimination?  
13 A. Yes.  
14 Q. All right. So let's look at  
15 what Valerie says to you. The first thing she  
16 says to you is, I am glad to have you as part  
17 of my team and thank you for all that you do  
18 for the residents of Henry Avenue.  
19 Do you take that to be  
20 harassment and discrimination?  
21 A. No.  
22 Q. She says, this is a follow-up to  
23 our meeting in February of 2011 when I became  
24 your project director.  
25 Does that refresh your

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1 D. Anderson  
2 Q. Then pass over it.  
3 You were provided a mentor  
4 prior to my becoming your project director.  
5 Is that correct?  
6 A. Yes.  
7 Q. So Valerie Van Kirk didn't  
8 assign you a mentor? Somebody else did?  
9 A. Yes.  
10 Q. And then she goes, who was put  
11 in place to assist with helping you to learn  
12 and implement your role as the supervisor of  
13 the site.  
14 Did I read that accurately?  
15 A. Yes.  
16 Q. As far as you knew, was that the  
17 reason that you were provided a mentor?  
18 A. Yes.  
19 Q. Your mentor was removed in March  
20 2011 and I began working with you personally  
21 to help you adjust to my expectations and way  
22 of working and managing Henry Avenue.  
23 Did I read that correctly?  
24 A. You read it correctly.  
25 Q. Did she start working with you

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1 D. Anderson  
2 at that time after your mentor to tell you how  
3 she wanted the home to be run?  
4 A. I disagree with that.  
5 Q. Okay. Do you disagree with the  
6 proposition that she had the authority to tell  
7 you how to run the home?  
8 A. No, I don't disagree with that.  
9 Q. There are a number of points in  
10 the next sections of this document that I  
11 would like you to review. And I only have one  
12 question for you on each one of them.  
13 A. Okay.  
14 Q. And the question is, is there  
15 anything that she's -- I'm not asking you to  
16 agree with what she's saying. Is there  
17 anything in any of the points of issue that  
18 she's pointing out in this letter to you that  
19 were not part of your duties as a community  
20 home supervisor? Do you understand what I'm  
21 asking you?  
22 A. Yes.  
23 Q. So go ahead and read it. And if  
24 you see anything in there, point it out to me.  
25 Have you had a chance to

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1 D. Anderson  
2 read through it?  
3 A. Yes.  
4 Q. I would reiterate my question.  
5 I'm not asking you to agree or disagree with  
6 what she says. Valerie in this letter to you  
7 is pointing out areas of concern that she  
8 thinks you need to improve on as a CHS; is  
9 that correct?  
10 A. No.  
11 Q. No?  
12 A. No.  
13 Q. What is she doing in the letter?  
14 A. She's just laying out what she  
15 wants done.  
16 Q. Let me just give you an example.  
17 Under documentation it says the communication  
18 books for the guys are not having your  
19 initials consistently. Isn't that something  
20 that she's pointing out that you need to do  
21 better?  
22 A. No, not better. That's what  
23 she's saying she wants done. The other  
24 supervisor didn't require that. So this is  
25 her requirement under her supervision.

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1 D. Anderson  
2 Q. Fair enough. Again, did you  
3 believe that she had the authority to tell you  
4 how she expected you to do your job as a CHS?  
5 A. Yes.  
6 Q. Even if the other supervisor  
7 didn't expect that?  
8 A. Yes.  
9 Q. So are all of the points that  
10 she brought up here, whether you agree that  
11 she's pointing out for improvement or not, are  
12 they consistent with what your job description  
13 was as a community home supervisor?  
14 A. Yes.  
15 MR. TURCHI: You can put  
16 that aside.  
17 (Exhibit D-9 is marked for  
18 identification.)  
19 BY MR. TURCHI:  
20 Q. Before I ask you about that  
21 document, I neglected to ask you a couple of  
22 things.  
23 Before you became the  
24 acting community home supervisor at KenCrest,  
25 had you ever held a job as a supervisor for

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1 D. Anderson  
2 any other employer?  
3 A. Yes.  
4 Q. And how many times?  
5 A. Once before.  
6 Q. And what type of work was that?  
7 A. Teaching.  
8 Q. For whom?  
9 A. Elijah Palmice (phonetic)  
10 Academy.  
11 Q. And in the teaching role, who  
12 did you supervise?  
13 A. The teachers. I was the lead  
14 teacher.  
15 Q. Okay. The lead teacher in a  
16 particular class or more classes?  
17 A. Over the school. It was a  
18 private school.  
19 Q. And when did you serve in that  
20 role?  
21 A. I'm not sure of the dates.  
22 Q. For how long did you serve,  
23 about how long?  
24 A. Maybe about a year or two.  
25 Q. And why did you leave that job?



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1 D. Anderson  
2 A. The school closed.  
3 Q. Any other supervisory positions?  
4 A. No.  
5 Q. Did you ever have a supervisory  
6 position in any business that was similar to  
7 the busines that KenCrest conducts?  
8 A. No.  
9 Q. Now you can go to that document.  
10 A. Okay.  
11 Q. Showing you what we've marked as  
12 Defendant's Exhibit No. 9, it's a three-page  
13 document. And if you look at the last page,  
14 can you confirm that you signed this document?  
15 A. Yes.  
16 Q. You signed it?  
17 A. Yes. I'm sorry. Yes.  
18 Q. Okay. Now, this is dated --  
19 it's typewritten June 20th, but there's  
20 handwritten July 20th of 2011. Do you see  
21 that?  
22 A. Yes.  
23 Q. Do you remember getting this  
24 document from Valerie Van Kirk?  
25 A. Yes.

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1 D. Anderson  
2 says that prior to her becoming your  
3 supervisor, you had a mentor for several  
4 months who was put in place to assist you in  
5 gaining insight and skill on the proper  
6 handling of the site and individual-level  
7 management.  
8 Did I read that correctly?  
9 A. You read it correctly, yes.  
10 Q. Did that not happen the way she  
11 cited it?  
12 A. Not exactly.  
13 Q. What was the purpose of you  
14 having a mentor?  
15 A. Well, it was -- the purpose was  
16 to show me how the adult services ran, because  
17 Henry Avenue was just taken over by adult  
18 services. It was under children when I was  
19 working with them. The mentor was to show me  
20 how the adult services run things. But the  
21 mentor only showed up once or twice, maybe.  
22 Q. All right. So you're not  
23 contesting that you either were provided a  
24 mentor or what the mentor's role was supposed  
25 to be, but what you're saying is the mentor

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1 D. Anderson  
2 Q. And Valerie's notes are this was  
3 reviewed with you July 20, 2011 at 9 p.m. Do  
4 you remember that?  
5 A. No.  
6 Q. Do you have any reason to  
7 believe that that's not accurate or you just  
8 don't remember one way or the other?  
9 A. I don't remember the time that I  
10 received it. However, I do remember the  
11 document.  
12 Q. Okay. Now, by the time, you're  
13 talking about the time of day or around the  
14 time period?  
15 A. I don't remember the time  
16 period, time, day. I don't remember.  
17 Q. All right. Now, is it your  
18 position that this document you received from  
19 Valerie Van Kirk and the discussion you had  
20 about it was a form of harassment and  
21 discrimination?  
22 A. Yes.  
23 Q. So let's read some of the things  
24 that Valerie is pointing out. She says she's  
25 been your supervisor since February 2011. She

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1 D. Anderson  
2 didn't give you enough training?  
3 A. Right. I didn't get any  
4 training.  
5 Q. Did you complain to somebody?  
6 Anybody?  
7 A. I did.  
8 Q. Who did you complain to?  
9 A. Valerie Van Kirk.  
10 Q. Do you have anything in writing  
11 to Valerie saying that your mentor --  
12 A. No.  
13 Q. So your complaints were verbal?  
14 A. I'm not sure if I put it in  
15 writing or not. I'm not -- I may have. I'm  
16 not sure.  
17 Q. Okay. In the next paragraph  
18 Valerie says I have been providing you with  
19 the necessary tools and mentoring in an  
20 ongoing basis since you became part of my  
21 cluster.  
22 Did I read that accurately?  
23 A. You read it accurately.  
24 Q. Do you take exception to that  
25 statement?



| Page 129   | Page 131  |
|--|---|
| <p>1 D. Anderson</p> <p>2 A. Yes.</p> <p>3 Q. So you claim that she did not --</p> <p>4 she was not providing you with necessary</p> <p>5 tools?</p> <p>6 A. Right.</p> <p>7 Q. Did you complain to somebody</p> <p>8 about that?</p> <p>9 A. Yes.</p> <p>10 Q. Who did you complain to?</p> <p>11 A. I complained to her about it.</p> <p>12 Q. In writing or verbal?</p> <p>13 A. Verbal.</p> <p>14 Q. The next thing she says is, I</p> <p>15 realize that your role is not an easy one and</p> <p>16 I believe that you want to do well. I feel at</p> <p>17 this point you are still lacking the skills</p> <p>18 and knowledge that you need to be a successful</p> <p>19 community home supervisor.</p> <p>20 Did I read that accurately?</p> <p>21 A. Yes.</p> <p>22 Q. Did Valerie express that to you</p> <p>23 in the meeting that you had?</p> <p>24 A. What? This one?</p> <p>25 Q. That statement. Did she express</p>   | <p>1 D. Anderson</p> <p>2 see that?</p> <p>3 A. Yes, I see that.</p> <p>4 Q. Do you remember her telling you</p> <p>5 that during this meeting?</p> <p>6 A. I don't remember the meeting.</p> <p>7 Q. So you don't remember this</p> <p>8 meeting at all?</p> <p>9 A. No. I remember this paperwork,</p> <p>10 but I don't remember having a meeting.</p> <p>11 Q. So you don't remember whether</p> <p>12 she went over this, you don't remember whether</p> <p>13 you contested any of these things?</p> <p>14 A. Right.</p> <p>15 Q. Because you just don't remember</p> <p>16 the meeting, period?</p> <p>17 A. I don't remember the meeting.</p> <p>18 Q. Go down to what is the third</p> <p>19 bullet point, which starts with medical</p> <p>20 appointments, for the most part you are</p> <p>21 keeping up with medical appointments. Did you</p> <p>22 take that to be a form of discrimination or</p> <p>23 harassment, her telling you that for the most</p> <p>24 part you were keeping up with the</p> <p>25 appointments?</p>     |
| Page 130   | Page 132  |
| <p>1 D. Anderson</p> <p>2 to you that she thought you were lacking in</p> <p>3 certain skills?</p> <p>4 A. No.</p> <p>5 Q. You didn't talk about that when</p> <p>6 you went over this with her?</p> <p>7 A. No. She just read this off.</p> <p>8 This meeting?</p> <p>9 Q. She read this off?</p> <p>10 A. Yes.</p> <p>11 Q. Did you talk to her about it?</p> <p>12 A. I don't think so. I don't</p> <p>13 really recall, but I don't think so.</p> <p>14 Q. The next section, she says,</p> <p>15 below are some of my concerns. And among</p> <p>16 other things in the first paragraph, she says,</p> <p>17 things are out of order and paperwork is</p> <p>18 missing.</p> <p>19 Is that accurate at that</p> <p>20 time?</p> <p>21 A. Where are --</p> <p>22 Q. I'm at the very first bullet</p> <p>23 point at the end where she says things are out</p> <p>24 of order and paperwork is missing. Things are</p> <p>25 out of order and paperwork is missing. Do you</p> | <p>1 D. Anderson</p> <p>2 A. I don't remember this meeting.</p> <p>3 Q. All right. She then goes on to</p> <p>4 say, but recently there were two mishaps.</p> <p>5 Now, whether you remember the meeting or not,</p> <p>6 do you remember on or around this time period,</p> <p>7 which was July 20th of 2011, that there were</p> <p>8 two mishaps with medical appointments for</p> <p>9 residents?</p> <p>10 A. Yes.</p> <p>11 Q. So did those two mishaps occur?</p> <p>12 A. Yes.</p> <p>13 Q. And as the community home</p> <p>14 supervisor, am I correct that you were -- even</p> <p>15 if you weren't personally at fault, you were</p> <p>16 responsible for the home and these</p> <p>17 appointments were supposed to be kept</p> <p>18 properly?</p> <p>19 A. Yes.</p> <p>20 Q. So was that a form of harassment</p> <p>21 or discrimination, her pointing out to you</p> <p>22 something that was supposed to be within your</p> <p>23 realm of responsibility?</p> <p>24 A. No.</p> <p>25 Q. How about the next bullet point,</p> |

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1 D. Anderson  
2 which you can read, but that talks in sum or  
3 substance about getting a free cell phone for  
4 one of the residents, did that happen the way  
5 Valerie stated it here?  
6 A. I remember the cell phone, but I  
7 remember doing the paperwork for it, so I  
8 don't -- I don't know why she would put that  
9 there.  
10 Q. Well, she says in this part that  
11 she reminded you about it and you went and  
12 purchased them a phone from the store which is  
13 prepaid. Is that what you did?  
14 A. I don't recall that, but I  
15 remember doing paperwork for him to get his  
16 phone.  
17 Q. But you don't remember whether  
18 that was a paid phone or not?  
19 A. I don't -- I don't recall.  
20 Q. What she's saying in here, in  
21 sum or substance is, you should have gotten  
22 him a free phone? Isn't that what she's  
23 saying here?  
24 A. Yeah. And I'm saying I filled  
25 out the paperwork for that.

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1 D. Anderson  
2 Q. I thought you said you don't  
3 remember whether --  
4 A. I did --  
5 Q. Hold on -- whether it was for a  
6 paid-for or a free phone?  
7 A. I said I remember doing the  
8 paperwork for the phone.  
9 Q. Paid phone or free phone?  
10 A. I don't know which phone.  
11 Q. That's what I'm saying. You  
12 don't remember whether the paperwork you  
13 filled out was to buy him a phone or whether  
14 it was to get him a free phone, as she is  
15 suggesting? You just don't remember?  
16 A. Right.  
17 Q. Okay. The next bullet point,  
18 she says, you are completing monthly staff  
19 training reminders as requested.  
20 Again, as she did in  
21 previous parts of this document, she's  
22 pointing out you did something correctly.  
23 She's not complaining about you there. She's  
24 saying you did this. But she goes on to say,  
25 you also have to ensure that you are

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1 D. Anderson  
2 monitoring your schedule and making the  
3 necessary changes to address where the staff  
4 trainings are falling short. She says, you  
5 had two staff overdue on mandatory trainings  
6 who both work on the overnight shift. The  
7 good thing is that you have two overnight  
8 staff. But if only one is doing the  
9 transportation that would mean we are out of  
10 compliance.  
11 Do you remember her reading  
12 this to you?  
13 A. No.  
14 Q. Do you remember anything about  
15 it?  
16 A. No.  
17 Q. Do you remember whether, from  
18 this document or not, at this period of time,  
19 do you remember that there were two staff  
20 overdue on mandatory training?  
21 A. No.  
22 Q. You don't remember one way or  
23 the other?  
24 A. No.  
25 Q. She points out in the next

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1 D. Anderson  
2 bullet point that there was, among other  
3 things, a site issue relating to a broken  
4 toilet seat. Do you remember that actually  
5 occurring at or around this time?  
6 A. Yes.  
7 Q. And would she be correct that  
8 that's something that -- again, whether you  
9 need to replace it yourself or get it  
10 replaced, as the CHS, you're responsible for  
11 making sure that happens; correct?  
12 A. Yes.  
13 Q. All right. And she was  
14 concerned or she's saying in there she's  
15 concerned about a resident getting hurt on a  
16 broken toilet seat, which is possible;  
17 correct?  
18 A. I'm sorry?  
19 Q. Is it possible that a resident,  
20 if a toilet seat was broken, and this was  
21 wooden or plastic, could get cut on it or  
22 something like that? Isn't that what she's  
23 saying in this bullet point?  
24 A. That's what she's saying, yes.  
25 Q. And in the business that

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1 D. Anderson  
2 KenCrest is in, isn't it correct that you  
3 always have to be concerned about claims of  
4 negligence brought by a family member of one  
5 of the residents? That's a big concern in  
6 your business, isn't it?  
7 A. Yes.  
8 Q. The next thing she points out is  
9 an unsanitary issue with a shower curtain;  
10 correct?  
11 A. Yes, that's what's pointed out.  
12 Q. And she's taking exception here  
13 and she's saying she shouldn't have to address  
14 this when she comes to a site review, that's  
15 for you to do, that's what the CHS job is. Do  
16 you take exception to that statement?  
17 A. What's your question?  
18 Q. Do you agree that it was your  
19 job as the CHS, if there's an unsanitary  
20 condition in a bathroom with a shower curtain,  
21 that you get it replaced? The project  
22 director shouldn't have to come there and say  
23 replace that?  
24 A. I agree, if it's happening.  
25 Q. Do you remember whether it was

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1 D. Anderson  
2 happening or not?  
3 A. No, sir.  
4 Q. You don't remember one way or  
5 the other?  
6 A. No. I don't remember any torn  
7 shower curtain in Mercedes' room. MC is  
8 Mercedes.  
9 Q. I hear you. We might be just  
10 losing translation, and I just need to get it  
11 clear. Do you remember one way or the other?  
12 Are you saying there was no torn shower  
13 curtain, or are you just telling me, as you  
14 have in the past, I don't remember?  
15 A. I'm saying there wasn't none.  
16 Q. So this was made up you're  
17 saying?  
18 A. I believe so.  
19 Q. The last thing she says in the  
20 way of a concern is, I am still receiving  
21 complaints about the way you are speaking or  
22 responding to staff as well as a family  
23 member. We have discussed this on numerous  
24 occasions and each time you assure me that you  
25 are speaking to staff as well as family in a

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1 D. Anderson  
2 professional manner.  
3 Did I read that accurately?  
4 A. You did read that accurately.  
5 Q. Do you remember, sitting here  
6 today, that she read this to you during this  
7 meeting?  
8 A. No, I don't remember this  
9 meeting.  
10 Q. I thought you told me earlier  
11 you remember her reading this to you, but you  
12 don't remember any discussion about it?  
13 A. Right.  
14 Q. Is that accurate?  
15 A. Yes.  
16 Q. So do you remember that she read  
17 this to you when she gave you this?  
18 A. We read over this, yes.  
19 Q. Do you have any information from  
20 any source that, as of the time of this  
21 meeting or this contact or whatever it was,  
22 around July 20th of 2011, do you have any  
23 information that Valerie wasn't still  
24 receiving from staff members complaints about  
25 the way you spoke to them?

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1 D. Anderson  
2 A. No.  
3 Q. All right. How about a family  
4 member, do you have any information that  
5 Valerie didn't receive from some source that a  
6 family member complained that you didn't speak  
7 professionally?  
8 A. No, I have no information on it.  
9 MR. TURCHI: All right.  
10 You can put that aside.  
11 (Exhibit D-10 is marked for  
12 identification.)  
13 BY MR. TURCHI:  
14 Q. This is a one-page document  
15 we've marked as Defendant's Exhibit No. 10.  
16 This is an internal KenCrest document. We  
17 produced it to your counsel. You can see down  
18 the bottom it's marked Defendant's 191. Do  
19 you see that?  
20 A. Yes.  
21 Q. I'm not going to ask you  
22 questions about the document itself. You're  
23 not part of this e-mail chain. I just want to  
24 ask you some questions about whether some of  
25 this occurred.

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1 D. Anderson  
2 You see that in the top  
3 part it says, hi Lois. That's Valerie Van  
4 Kirk addressing Lois Johnston. Do you know  
5 who Lois Johnston is?  
6 A. She's a person in HR.  
7 Q. At the time, do you know her to  
8 be an HR person back in July of 2010?  
9 A. Yes.  
10 Q. I'm sorry, 2011?  
11 A. Yes.  
12 Q. And you see the date of this  
13 e-mail from Valerie to Lois is July 21st?  
14 A. Right.  
15 Q. And you remember the date of the  
16 previous document, July 20th?  
17 A. Yes.  
18 Q. Is that correct?  
19 A. Yes.  
20 Q. In the first part of Valerie's  
21 e-mail to Lois, she says, yesterday Debbie and  
22 I met with Dekeshia and her staff regarding  
23 concerns brought by the staff, as well as  
24 Dekeshia. Do you remember that?  
25 A. The meeting?

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1 D. Anderson  
2 Q. Do you remember the meeting?  
3 A. Yes.  
4 Q. And is it correct that you had  
5 brought up concerns to either Debbie or to  
6 Valerie?  
7 A. I may have.  
8 Q. So the meeting that was taking  
9 place was, according to Valerie, in response  
10 to both your issues and the staff issues? Is  
11 that how you remember it?  
12 A. No.  
13 Q. Well, how do you remember it?  
14 A. I remember one of the staff  
15 telling me that there was going to be a  
16 meeting. She never told me that she was  
17 setting up a meeting because of anything I  
18 discussed with her.  
19 Q. All right. That's not what I  
20 asked you, but okay. At the meeting, did  
21 Valerie and Deb air your concerns and the  
22 staff's concerns?  
23 A. No.  
24 Q. Did they air the staff's  
25 concerns?

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1 D. Anderson  
2 A. Yes.  
3 Q. She goes on to say that the  
4 meeting was very challenging for Dekeshia  
5 because it was a lot of negative information,  
6 but we, Debbie and I, felt that would help us  
7 to clear the air.  
8 Was there a lot of negative  
9 information brought up by the staff about you  
10 during that meeting?  
11 A. Yes.  
12 Q. She goes on to say, we addressed  
13 the situations and we hoped that they could  
14 move past it.  
15 Was that discussed at the  
16 meeting?  
17 A. No.  
18 Q. There was nothing said by Deb or  
19 by Valerie at the meeting along the lines  
20 of -- and I'm not saying they said these  
21 actual words, but something like this -- you  
22 guys have to work together; the mission is to  
23 take care of the residents; if you have petty  
24 differences between yourselves, you have to  
25 put them aside and everybody has to work

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1 D. Anderson  
2 together? You heard nothing like that at that  
3 meeting?  
4 A. I don't recall that.  
5 Q. She goes on to say that I later  
6 met with Dekeshia one on one -- is that  
7 correct? Is that when she read that letter to  
8 you?  
9 A. I'm not sure.  
10 Q. -- regarding my observations and  
11 concerns which actually had nothing to do with  
12 the issues at the meeting. I talked to her in  
13 length explaining why her role is so important  
14 with the way things happen and run at Henry.  
15 I asked her to open up and be the leader as  
16 CHS is expected to be. She expressed that she  
17 is not really wanting to open her circle to  
18 her staff, but in order to be successful she  
19 will have to.  
20 Do you remember having  
21 anything like that discussion with Valerie Van  
22 Kirk on or around July 20th of 2011?  
23 A. Yes.  
24 Q. The next part of this e-mail is  
25 Valerie saying to Lois Johnston, today, I

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1 D. Anderson  
2 received a call from Dekeshia stating that the  
3 air at the house is not working.  
4 Do you remember making that  
5 call?  
6 A. No.  
7 Q. She said staff told her ~~the~~ she  
8 was walking out of the door. Instead of her  
9 going back to assist them, she said fill out a  
10 maintenance request form and call on-call, no  
11 call Val. She's working. She can help you.  
12 Do you remember telling  
13 that to your staff members when they reported  
14 that the air conditioning wasn't working?  
15 A. Yes.  
16 Q. All right. Do you remember --  
17 let me read what she says. Valerie says she  
18 asked you did they know where to find a  
19 maintenance request form and do they know how  
20 to fill it out. She said they should know.  
21 Do you remember saying that  
22 to Valerie?  
23 A. No.  
24 Q. I again asked do they know how  
25 and where to find what they needed. She said

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1 D. Anderson  
2 Phillip, outside staff, and Varney, new staff,  
3 should know.  
4 Do you remember that part  
5 of the discussion?  
6 A. No.  
7 Q. I called the house and asked  
8 Phillip did he know where find a maintenance  
9 request form and he said no.  
10 Do you have any information  
11 that that does not accurately reflect  
12 Valerie's conversation with Phillip?  
13 A. Do I have information  
14 about their conversation?  
15 Q. Yeah. Do you know whether that  
16 took place or not?  
17 A. I'm sorry?  
18 Q. Do you know whether that took  
19 place or not?  
20 MR. ZAHNER: Objection to  
21 form.  
22 THE WITNESS: I'm not sure  
23 what you're saying.  
24 BY MR. TURCHI:  
25 Q. All right. Valerie is saying

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1 D. Anderson  
2 after you had a conversation with her about  
3 this air conditioning issue, she called  
4 Phillip. And she asked Phillip do you know  
5 where the maintenance forms are, and he said  
6 no.  
7 Do you have anything to  
8 refute that? Do you know whether that  
9 happened or not?  
10 MR. ZAHNER: Objection to  
11 form.  
12 THE WITNESS: I don't know.  
13 BY MR. TURCHI:  
14 Q. Okay. You don't know whether it  
15 happened or not?  
16 A. Right, I don't know.  
17 Q. What she's going on to say,  
18 Valerie in this e-mail, this instance shows  
19 that she did not hear anything that was said  
20 to her yesterday. She is not showing  
21 leadership skills. I have spoken to Debbie  
22 regarding this issue. And it just seems that  
23 she does not want to show the necessary  
24 interest that she should be.  
25 You can put that aside.

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1 D. Anderson  
2 MR. ZAHNER: Objection to  
3 form.  
4 MR. TURCHI: Form? I  
5 didn't ask a question.  
6 MR. ZAHNER: Well, that's  
7 all.  
8 (Exhibit D-11 is marked for  
9 identification.)  
10 BY MR. TURCHI:  
11 Q. I'm showing you what we marked  
12 as Defendant's Exhibit No. 11.  
13 A. Okay.  
14 Q. Now, this is a document that you  
15 prepared and signed; correct?  
16 A. Yes.  
17 Q. And it's dated July 27, 2011;  
18 correct?  
19 A. Yes.  
20 Q. And it's shortly after the  
21 letter that you received and at least remember  
22 having read to you by Valerie Van Kirk where  
23 she was pointing out what she believed to be  
24 certain issues with the way that you were  
25 running the home; correct?



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1 D. Anderson  
2 A. Yes.  
3 Q. And this is the first complaint  
4 that you made of any sort to KenCrest, whether  
5 it be human resources or anybody else, of  
6 discrimination or harassment; is that correct?  
7 A. In writing, yes.  
8 Q. You made other complaints?  
9 A. I talked to Valerie about how I  
10 felt how she was treating me.  
11 Q. Did you tell Valerie that you  
12 thought she was discriminating and  
13 harassing --  
14 A. I told her I --  
15 Q. Hold on. Hold on. Let me  
16 finish. Did you tell Valerie before you wrote  
17 this letter at any time -- or anybody else for  
18 that matter, you can tell me anybody else too  
19 -- that you believed you were being  
20 discriminated against and/or harassed because  
21 of your medical conditions?  
22 A. I told Valerie Van Kirk I felt  
23 like since I returned back to work you have  
24 been harassing me about my job.  
25 Q. Okay. When did you tell -- let

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1 D. Anderson  
2 A. No, I didn't tell her that.  
3 Q. Did you tell her you thought you  
4 were being harassed because you took workers'  
5 compensation leave?  
6 A. No.  
7 Q. You just said you thought you  
8 were being harassed?  
9 A. Yes.  
10 Q. And was that in response to her  
11 pointing out to you these issues of concern  
12 that she thought were appropriate? Is that  
13 when you told her you thought you were being  
14 harassed?  
15 A. I'm sorry?  
16 Q. You don't remember when you told  
17 her?  
18 A. Right.  
19 Q. But what I'm asking you now is,  
20 did you tell her in response to getting from  
21 her any of these other things that we've  
22 looked at today, the supervisory contact, the  
23 performance evaluation, the letter that she  
24 pointed out these issues that we just went  
25 over?

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1 D. Anderson  
2 me back up. Harassing you about your job or  
3 harassing you because you had medical  
4 conditions? What did you tell her?  
5 A. My words to her was I felt like  
6 I was being harassed by her.  
7 Q. When did you tell her that?  
8 A. I don't know the date.  
9 Q. Did you tell her once or more  
10 than once?  
11 A. I probably told her a few times,  
12 but I'm not sure of dates.  
13 Q. Did you tell her anything more  
14 than that you felt like you were being  
15 harassed?  
16 A. No.  
17 Q. Did you mention you were being  
18 harassed because you took medical leave?  
19 Start with that. Did you tell Valerie you  
20 thought you were being harassed because you  
21 took medical leave?  
22 A. No.  
23 Q. Did you tell Valerie you thought  
24 you were being harassed because of medical  
25 conditions?

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1 D. Anderson  
2 A. I told her that because of those  
3 things, along with her behaviors towards me,  
4 her hostility towards me.  
5 Q. Okay. Did she ever exhibit any  
6 hostility towards you which was anything other  
7 than telling you I don't think you're doing  
8 that right, I want you to do it this way?  
9 A. Yes.  
10 Q. And when was that, and what did  
11 she say to you or do to you?  
12 A. Well, we spoke of it earlier  
13 when she told me that I'm not hurt, nothing is  
14 wrong with you, and things like a that.  
15 Q. And you don't remember when  
16 those conversations took place?  
17 A. I don't remember the dates, no.  
18 Q. All right. Look at the document  
19 now. It's Defendant's No. 11. And we've  
20 established you sent this to human resources;  
21 correct?  
22 A. Yes.  
23 Q. And you said, among other  
24 things, since you returned to work in January  
25 of 2011, I have been given a contact and many



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1 D. Anderson  
2 other meeting about my work ethic.  
3 What did you mean by work  
4 ethic?  
5 A. The way I was working.  
6 Q. Did Valerie, either verbally or  
7 in any of these contacts we talked at, say  
8 anything about your work ethic, in other  
9 words, how many hours you were working or  
10 whether you were there on time or whether you  
11 left early or anything like that?  
12 A. Yes.  
13 Q. What did she say about that?  
14 A. She was saying that I was taking  
15 too much overtime. She said that before, not  
16 in the written documents.  
17 Q. You were taking too much  
18 overtime? You mean working too much overtime?  
19 A. Yes.  
20 Q. Okay. Go ahead. What else did  
21 she say about your work ethic?  
22 A. And the fact that my  
23 professionalism, she had concerns about that.  
24 Q. You characterize that as work  
25 ethic? You're putting that all together?

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1 D. Anderson  
2 A. Yes.  
3 Q. You go on to say, before I got  
4 hurt, there was no concern about my work, my  
5 duties or my work ethic.  
6 Do you still say that's  
7 correct?  
8 A. I do.  
9 Q. And you say that's correct even  
10 though I showed you earlier something that  
11 came from Valerie Van Kirk which happened  
12 before you went out on leave of any type which  
13 pointed out certain issues with your role as  
14 community home supervisor?  
15 MR. ZAHNER: Objection to  
16 form.  
17 BY MR. TURCHI:  
18 Q. Do you remember that document?  
19 A. Could you repeat your question?  
20 Q. Do you remember the document we  
21 talked about earlier, I showed you earlier  
22 that came from --  
23 A. Is it okay if I look through --  
24 Q. Sure -- from Vicky Anderson, not  
25 Valerie Van Kirk, that happened in September

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1 D. Anderson  
2 of 2010, before you took any leave? Do you  
3 remember that document?  
4 I'll find it for you if you  
5 can't. Give me those and I'll find it for  
6 you. This is Defendant's Exhibit No. 4. Do  
7 you remember that document?  
8 A. I remember you showing me this,  
9 yes.  
10 Q. And that's the document that was  
11 -- the supervisory contact that was given to  
12 you by Vicky Anderson when she was your  
13 supervisor back in September of 2010; correct?  
14 A. Yes.  
15 Q. And that's before you took any  
16 medical leave; correct?  
17 A. Yes.  
18 Q. And there are issues -- it says,  
19 reason for the contact, site issues; correct?  
20 A. Review site issue.  
21 Q. Yeah. Review site issues is the  
22 reason for the contact. She had issues with  
23 the site. You were the acting CHS and she was  
24 pointing out to you certain issues at the  
25 site; correct?

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1 D. Anderson  
2 A. Yes.  
3 Q. So going back to your letter  
4 that you gave to human resources July 27,  
5 2011, you said, before I got hurt there was no  
6 concern about my work, my work duties or my  
7 work ethic. That's not totally correct, is  
8 it?  
9 A. Yes, it is.  
10 Q. All right. So Vicky Anderson's  
11 note to you back before you took any leave,  
12 before you got hurt, you didn't take that to  
13 be anything?  
14 A. Nope, no, sir.  
15 Q. Okay. You can put that aside.  
16 A. Okay.  
17 Q. And, again, the only thing that  
18 you're complaining about here, which you say  
19 in the next to the last paragraph, is, I feel  
20 I am being harassed and discriminated against  
21 because of my health conditions, which I  
22 received on the job; correct? That's what you  
23 were telling human resources was the basis of  
24 your discrimination and harassment, your  
25 health issues?

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1 D. Anderson  
2 A. I think that's why she started  
3 it.  
4 Q. Okay. I'm not asking you that.  
5 That's what you told human resources?  
6 A. Then repeat your question.  
7 Q. All you told human resources  
8 was, the basis of the harassment and  
9 discrimination is your health issues?  
10 A. Yes, that's what I told HR.  
11 Q. Now, we established earlier you  
12 had a meeting with people in HR after you  
13 submitted this complaint; correct?  
14 A. Yes.  
15 Q. And you don't know one way or  
16 the other what HR did to investigate it?  
17 A. I don't know.  
18 MR. TURCHI: All right.  
19 You can put that aside.  
20 (Exhibit D-12 is marked for  
21 identification.)  
22 BY MR. TURCHI:  
23 Q. I'm showing you what we've  
24 marked as Defendant's Exhibit No. 12. It's a  
25 one-page letter. It's marked at the bottom

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1 D. Anderson  
2 Defendant's 281 in our production. It's a  
3 letter to you dated September 23rd of 2011  
4 from Denise Lamlin in HR at KenCrest; correct?  
5 A. Yes.  
6 Q. Do you remember getting this  
7 letter?  
8 A. Yes.  
9 Q. In the letter, among other  
10 things, Denise is saying to you, I'm providing  
11 this to confirm my verbal reply given response  
12 to your letter addressed to me in 7/27/11.  
13 She's referring to the  
14 complaint that we just looked at; correct?  
15 A. Yes.  
16 Q. And she said, we met in person  
17 on 8/9/11. Do you have a memory of that  
18 meeting taking place, August 9th?  
19 A. We may have met. I'm not sure.  
20 Q. Well, didn't you say you do  
21 remember having a meeting with HR after your  
22 complaint?  
23 A. Yes, we did have a meeting.  
24 Q. You just don't remember when  
25 that was?

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1 D. Anderson  
2 A. Right.  
3 Q. And I think we already  
4 established that you were on leave at or about  
5 the time that you gave the complaint, July  
6 27th. That's right near the time you left for  
7 leave; correct?  
8 A. I'm not sure.  
9 MR. TURCHI: Okay. You can  
10 put that aside.  
11 (Exhibit D-13 is marked for  
12 identification.)  
13 BY MR. TURCHI:  
14 Q. This next document marked  
15 Defendant's No. 13 is another letter dated  
16 September 23, 2011 to you from Denise Lamlin.  
17 Do you remember getting this letter?  
18 A. Yes.  
19 Q. And this letter talks about  
20 another meeting that you had. Actually, the  
21 letter says it was the same day of the letter,  
22 September 23rd. Do you remember that meeting?  
23 A. Yes.  
24 Q. And that was before you were  
25 getting ready to come back to work; right?

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1 D. Anderson  
2 A. Yes.  
3 Q. In the second paragraph of this  
4 letter, Denise says to you, at your request  
5 Dekeshia, a mentor will be assigned to work  
6 with you.  
7 Does that refresh your  
8 recollection that you asked for the mentor?  
9 A. No.  
10 Q. That person is CHS community  
11 home supervisor Michelle Howell.  
12 Do you remember Michelle  
13 Howell being your mentor?  
14 A. Yes, I remember her.  
15 Q. In the next paragraph, Denise  
16 says to you, the daily functions of the house  
17 and the relations between staff have  
18 functioned smoothly over the past couple of  
19 months.  
20 Do you have any information  
21 to refute that that was an accurate statement?  
22 MR. ZAHNER: Objection to  
23 form.  
24 THE WITNESS: Yes, I heard  
25 otherwise.